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Total Number of Pages in This Submission

Application Number

10/814,690

Filing Date

3/31/2004

First Named Inventor

Joshua D. Rabinowitz

Art Unit

Not yet known

Examiner Name

To be assigned

Attorney Docket Number

00027.04CON

## ENCLOSURES (check all that apply)

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Firm or Individual name **ALEXZA MDC, 1001 East Meadow Circle, Palo Alto, CA 94303** Customer Number 37485  
**Elaine C. Stracker, Ph.D., J.D.** Telephone (650)-687-3905

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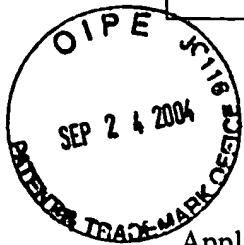
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PATENT  
Attorney's Docket No.: 00027.04CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rabinowitz et al.  
Serial No.: 10/814,690  
Filed: 3/31/2004 12:00:00 AM  
Title DELIVERY OF ANTIEMETICS THROUGH AN INHALATION  
ROUTE

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with their continuing duty of disclosure under 37 CFR §§ 1.97, 1.98 and 1.56, Applicants hereby submit for consideration in the above-identified application the enclosed references. The Information Disclosure statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

For the convenience of the Examiner, the references are listed on a PTO Form 1449 (attached) and copies thereof are enclosed. Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines than an extension and/or other relief is required, Applicants petition for any required relief including any extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 502731**. Please direct all correspondence to the following customer number.

Respectfully submitted,

SEP. 24 2004

Date: \_\_\_\_\_



Elaine C. Stracker J.D., Ph.D., Reg. 43,166

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Form PTO-1449  
TRADE MARK DESIGNINFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number: 00027.04 CON

Application Number: 10/814,690

Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 3/31/2004

Group Art Unit: Not Yet Known

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	02/02/1971	3,560,607	Hartley et al.			
	2.	05/27/1980	Re. 30,285	Babington			
	3.	01/23/1990	4,895,719	Radhakrishnun et al.			
	4.	09/17/1991	5,049,389	Radhakrishnun			
	5.	02/14/1995	5,388,574	Ingebrethsen			
	6.	08/13/1996	5,544,646	Lloyd et al.			
	7.	12/09/1997	5,694,919	Rubsamen et al.			
	8.	04/07/1998	5,735,263	Rubsamen et al.			
	9.	04/14/1998	5,738,865	Baichwal et al.			
	10.	06/02/1998	5,758,637	Ivri et al.			
	11.	09/08/1998	5,804,212	Illum			
	12.	06/29/1999	5,915,378	Lloyd et al.			
	13.	08/10/1999	5,934,272	Lloyd et al.			
	14.	09/28/1999	5,957,124	Lloyd et al.			
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	25.	10/08/2002	6,461,591	Keller et al.			
	26.	01/14/2003	6,506,762	Horvath et al.			

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INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>				Applicant: Joshua D. RABINOWITZ et al.	
				Filing Date: 3/31/2004	Group Art Unit: Not Yet Known

27.	02/04/2003	6,514,482	Bartus et al.			
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35.	01/02/2003	US 2003/0004142	Prior et al.			
36.	02/13/2003	US2003/0032638	Kim et al.			

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37.	08/04/2003	10/633,876	Hale et al.			
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47.	01/28/2004	10/767,115	Rabinowitz et al.			
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		Applicant: Joshua D. RABINOWITZ et al.	
		Filing Date: 3/31/2004	Group Art Unit: Not Yet Known

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72.	01/23/2003	US 2003/0015196	Hodges et al.
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83.	01/23/2003	US 2003/0015189	Rabinowitz et al.
84.	01/23/2003	US 2003/0015190	Rabinowitz et al.

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		Filing Date:	3/31/2004	Group Art Unit: Not Yet Known

	85.	01/23/2003	US 2003/0017114	Rabinowitz et al.			
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	113.	8/12/2004	US 2004/0156790	Rabinowitz et al.			
	114.	08/12/2004	US 2004/0156791	Rabinowitz et al.			

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		Applicant: Joshua D. RABINOWITZ et al.			
		Filing Date: 3/31/2004		Group Art Unit: Not Yet Known	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES    NO
	115.	03/14/1990	EP 0 358 114	Europe			
	116.	07/03/2001	EP 1 080 720	Europe			
	117.	08/29/2001	EP 0 606 486	Europe			
	118.	06/13/1991	WO 91/07947	WIPO			
	119.	04/11/1996	WO 96/09846	WIPO			
	120.	05/09/1996	WO 96/13161	WIPO			
	121.	05/09/1996	WO 96/13290	WIPO			
	122.	05/09/1996	WO 96/13291	WIPO			
	123.	05/09/1996	WO 96/13292	WIPO			
	124.	10/03/1996	WO 96/30068	WIPO			
	125.	08/07/1997	WO 97/27804	WIPO			
	126.	05/28/1998	WO 98/22170	WIPO			
	127.	07/23/1998	WO 98/31346	WIPO			
	128.	08/27/1998	WO 98/36651	WIPO			
	129.	04/08/1999	WO 99/16419	WIPO			
	130.	12/16/1999	WO 99/64094	WIPO			
	131.	01/06/2000	WO 00/00176	WIPO			
	132.	01/06/2000	WO 00/00215	WIPO			
	133.	05/18/2000	WO 00/27363	WIPO			
	134.	05/18/2000	WO 00/27359	WIPO			
	135.	05/25/2000	WO 00/29053	WIPO			
	136.	09/17/2000	WO 00/47203	WIPO			
	137.	11/02/2000	WO 00/64940	WIPO			
	138.	11/09/2000	WO 00/66084	WIPO			
	139.	11/09/2000	WO 00/66206	WIPO			

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INFORMATION DISCLOSURE CITATION IN AN APPLICATION				Applicant: Joshua D. RABINOWITZ et al.	
(Use several sheets if necessary)				Filing Date: 3/31/2004	Group Art Unit: Not Yet Known

140.	12/21/2000	WO 00/76673	WIPO		
141.	01/25/2001	WO 01/05459	WIPO		
142.	12/20/2001	WO 01/95903	WIPO		
143.	03/28/2002	WO 02/24158	WIPO		
144.	03/28/2002	WO 02/24158	WIPO		

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(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	145.	Bennett, R.L. et al. (1981). "Patient-Controlled Analgesia: A New Concept of Postoperative Pain Relief," <i>Annual Surg.</i> 195(6):700-705.
	146.	Carroll, M.E. et al. (1990), "Cocaine-base smoking in rhesus monkeys: reinforcing and physiological effects," <i>Psychopharmacology</i> (Berl). 102:443-450.
	147.	Clark, A. and Byron, P. (1986). "Dependence of Pulmonary Absorption Kinetics on Aerosol Particle Size," <i>Z. Erkrank.</i> 166:13-24.
	148.	Darquenne, C. et al. (1997). "Aerosol Dispersion in Human Lung: Comparison Between Numerical Simulations and Experiments for Bolus Tests," <i>American Physiological Society</i> . 966-974.
	149.	Davies, C.N. et al. (May 1972). "Breathing of Half-Micron Aerosols," <i>Journal of Applied Physiology</i> . 32(5):591-600.
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	151.	Finlay, W.H. (2001). "The Mechanics of Inhaled Pharmaceutical Aerosols", Academic Press: San Diego Formula 2.39. pp.3-14 (Table of Contents). pp. v-viii.
	152.	Gonda,I. (1991). "Particle Deposition in the Human Respiratory Tract," Chapter 176, <u>The Lung: Scientific Foundations</u> . Crystal R.G. and West, J.B. (eds.), Raven Publishers, New York. pp. 2289-2294.
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	154.	Heyder, J. et al. (1986). "Deposition of Particles in the Human Respiratory Tract in the Size Range 0.005-15 $\mu\text{m}$ ," <i>J. Aerosol Sci.</i> 17(5):811-822.
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EXAMINER:

DATE CONSIDERED:

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Form PTO-1449		Docket Number: 00027.04 CON	Application Number: 10/814,690
INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>		Applicant: Joshua D. RABINOWITZ et al.	
		Filing Date: 3/31/2004	Group Art Unit: Not Yet Known

156.	Hurt, R.D., MD and Robertson, C.R., PhD, (October 1998). "Prying Open the Door to the Tobacco Industry's Secrets About Nicotine: The Minnesota Tobacco Trial," <i>JAMA</i> 280(13):1173-1181.
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162.	Office Action mailed 8/13/2003 for US application 10/153,313 filed 05/21/2002 "DELIVERY OF BENZODIAZEPINES THROUGH AN INHALATION ROUTE"
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164.	Pankow, J. (March 2000). ACS Conference-San Francisco-3/26/00. Chemistry of Tobacco Smoke. pp. 1-8.
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167.	Vapotronics, Inc. (1998) located at <a href="http://www.vapotronics.com.au/banner.htm">http://www.vapotronics.com.au/banner.htm</a> , 11 pages, (visited on June 5, 2000).
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169.	Wood, R.W. et al. (1996). "Generation of Stable Test Atmospheres of Cocaine Base and Its Pyrolyzate, Methylecgonidine, and Demonstration of Their Biological Activity." <i>Pharmacology Biochemistry &amp; Behavior</i> . 55(2):237-248.

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